

Notice of Allowability	Application No.	Applicant(s)	
	09/711,302	JEONG ET AL.	
	Examiner	Art Unit	
	Kim-Kwok CHU	2653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTO-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

- This communication is responsive to Amendment filed on 4/25/05.
- The allowed claim(s) is/are 7, 12, 19 and 24 which are renumbered as 1-4 respectively.
- The drawings filed on 11/14/2000 are accepted by the Examiner.
- Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some* c) None of the:

- Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No. _____.
- Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

- A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
- CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - hereto or 2) to Paper No./Mail Date _____.
 - including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
- DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- Notice of References Cited (PTO-892)
- Notice of Draftsperson's Patent Drawing Review (PTO-948)
- Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
- Examiner's Comment Regarding Requirement for Deposit
of Biological Material
- Notice of Informal Patent Application (PTO-152)
- Interview Summary (PTO-413),
Paper No./Mail Date _____.
- Examiner's Amendment/Comment
- Examiner's Statement of Reasons for Allowance
- Other _____.

Allowable Subject Matter

1. Claims 7, 12, 19 and 24 are allowable over prior art.

2. The following is an Examiner's statement of reasons for the indication of allowable subject matter based on the Amendment filed on April 25, 2005.

As in claim 7, the prior art of record fails to teach or fairly suggest a method for checking the existence of an optical disk using a focus error signal having the following steps:

- (a) receiving a focus error signal;
- (b) sampling the received focus error signal at constant intervals;
- (c) summing the values of the sampled focus error signal, which are less than a first predetermined reference level;
- (d) determining whether the summed value is greater than a predetermined judging level;
- (e) judging the existence of an optical disk based on the result in the determining step (d);
- (f) wherein the step (b) is started when the value of the focus error signal exceeds the first predetermined reference level, while moving an optical pickup; and

(g) wherein the predetermined reference level includes first and second predetermined reference level, where the first predetermined reference level is for starting the sampling step (b) and the second predetermined reference level is for sampling the focus error signal.

As in claim 9, the prior art of record fails to teach or fairly suggest a method for checking the existence of an optical disk using a focus error signal having the following steps:

- (a) receiving a focus error signal;
- (b) sampling the received focus error signal at constant intervals;
- (c) summing the values of the sampled focus error signal, which are less than a first predetermined reference level;
- (d) determining whether the summed value is greater than a predetermined judging level;
- (e) judging the existence of an optical disk based on the result in the determining step (d); and
- (f) where in a focus error value is added to the summed value if the error value is greater than the predetermined reference level.

As in claim 24, the prior art of record fails to teach or fairly suggest an apparatus for checking the existence of an

optical disk using a focus error signal having the following features:

- (a) an analog-to-digital converter for sampling the focus error signal at constant intervals;
- (b) a microcomputer for determining the existence of the optical disk by summing the values of the sampled focus error signal, which are less than a first predetermined reference level, and determining whether the summed value is greater than a predetermined judging level; and
- (c) where in a focus error value is added to the summed value if the error value is greater than the predetermined reference level.

The features indicated above, in combination with the other elements of the claims, are not anticipated by, nor made obvious over, the prior art of record.

3. Any comments considered necessary by applicant must be submitted no later than the payment of the Issue Fee and, to avoid processing delays, should preferably **accompany** the Issue Fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

4. Any response to this action should be mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Or faxed to:

(703) 872-9306 (for formal communications intended for entry. Or:

(571) 273-7585, (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Any inquiry of a general nature or relating to the status of this application should be directed USPTO Contact Center (703) 308-4357; Electronic Business Center (703) 305-3028.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kim CHU whose telephone number is (571) 272-7585 between 9:30 am to 6:00 pm, Monday to Friday.

Kim-Kwok CHU

kk 5/11/05

Examiner AU2653
May 11, 2005

(571) 272-7585

William Korzuch
WILLIAM KORZUCH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600